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PATENT, TRADEMARK AND COPYRIGHT LAW
AND RELATED FEDERAL AND ITC LITIGATION



DOCKET NO: 7791-0071-25X CONT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: U.S. Application
Serial No: 09/286,304
Filed: April 06, 1999
Group: 2761
Inventor: MICHAEL R. O'BRIEN ET AL.
For: METHOD AND APPARATUS FOR GENERATING
PURCHASE INCENTIVES BASED ON PRICE
DIFFERENTIALS

SIR:

Attached hereto for filing are the following papers:

AMENDMENT

Our check in the amount of \$--0-- is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

JOHN A. GIULIANI ET AL

SERIAL NO: 09/286,304

FILED: APRIL 6, 1999



EXAMINER: POINVIL

: GROUP ART UNIT: 2768

FOR: METHOD AND APPARATUS FOR
GENERATING PURCHASE
INCENTIVES BASED ON PRICE
DIFFERENTIALS

AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the non-final office action mailed September 22, 2000, please consider the following remarks.

The office action rejects claims 10-24 under 35 U.S.C. §103(a) based entirely upon United States Patent No. 5,687,322 to Deaton et al.

The office action states that:

The system of Deaton et al. also comprises a storage means for selecting incentive data from the storage means depending upon the purchase of a first item. Note column 69, lines 14-33. [Page 2 lines 15-18.]

In reply, the applicants point out that column 69, lines 14-33 in the '322 patent do not refer to the system disclosed in the '322 Deaton et al. patent. Moreover, that passage does not disclose "a storage means for storing incentive data" and it does not disclose "means for selecting incentive data from the storage means depending upon the purchase of a first item."

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D. Collins
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